

PTO/SB/22 (12-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		Docket Number (Optional) 026039-0362798	
Application Number 10/617,561		Filed July 11, 2003	
For LIGAND/LYTIC PEPTIDE COMPOSITIONS AND METHODS OF USE			
Art Unit 1647		Examiner Dang, Ian D.	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
		<u>Fee</u>	<u>Small Entity Fee</u>
<input type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input checked="" type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$1590	\$795
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$2160	\$1080
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>033975</u> . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
Adjustment date: 06/05/2008 CKHLOK 11/07/2007 RNEBRAHT 00000006 033975 10617561 01 FC:2253 525.00 CR			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>43488</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34 _____			
_____ Signature		November 5, 2007 Date	
Robert M. Bedgood Typed or printed name		(858) 509-4065 Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/07/2007 RNEBRAHT 00000006 033975 10617561

01 FC:2253 525.00 DA

PTO/SB/84 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

026039-0362798

First named inventor: Frederick M. Enright

Application No.: 10/617,561

Art Unit: 1647

Filed: 07/11/2003

Examiner: Dang, Ian D.

Title: LIGAND/LYTIC PEPTIDE COMPOSITIONS AND METHODS OF USE

**RECEIVED
CENTRAL FAX CENTER****MAR 05 2008**

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☒ has been filed previously on November 5, 2007
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on 03/05/2008 VBUI11 00000054 033975 10617561
☐ is enclosed herewith.

01 FC:2453

770.00 DA

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAR 05 2008

PTO/SB/64 (10-06)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ 65.00 for a small entity or \$ 130.00 for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. (NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).)

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


 Signature

March 5, 2008

Date

Robert M. Bedgood

Typed or printed name

43488

Registration Number, if applicable

PILLSBURY WINTHROP SHAW PITTMAN LLP

858-509.4065

Telephone Number

Address

12255 El Camino Real, Suite 300,
San Diego, CA 92130-4088 US

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Statement of Facts; Copy of Return-stamped Postcard dated 11/7/07

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

March 5, 2008

Date


 Signature

Robert M. Bedgood

Typed or printed name of person signing certificate

PATENT
ATTORNEY DOCKET NO. 026039-0362798

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant : Frederick M. Enright, et al. Art Unit : 1644
Serial No. : 10/617,561 Examiner : Dang, Ian D.
Filed : 07/11/2003
Title : LYGAND/LYTIC PEPTIDE COMPOSITIONS AND METHODS OF USE

MAR 05 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF FACTS

Dear Sirs:

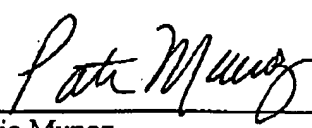
I, Patricia Munoz, do hereby declare and state that:

On November 5, 2007, I timely filed by U.S. mail with the U.S. Patent and Trademark Office a Response to Office Action along with a Petition for Extension of Time. However, a Certificate of Mailing under 37 C.F.R. §1.10 was inadvertently omitted from the Response. Accordingly, the Patent Office received the Response on November 7, 2007, after the November 5, 2007 due date, and the application was unintentionally abandoned. Attached is a copy of the date-stamped Return Postcard marked received by the Patent Office on November 7, 2007.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Date:

3/5/08


Patricia Munoz

03-05-08

01:11pm

From-PILLSBURY WINTHROP SHAW PITTMAN LLP

8585094010

T-323 P.005/007 F-685

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MAR 05 2008

PTO REQUEST Attorney Docket: 026019-0362798

Atty: RobertBedgood/pin

Appl. No: 10/617,561 Date: November 5, 2007

Inventor(s): FREDERICK M. ENRIGHT ET AL.

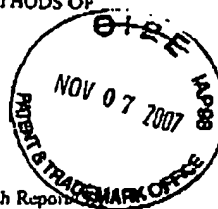
Title: LIGAND/LYTIC PEPTIDE COMPOSITIONS AND METHODS OF
USE

Small Entity:

☒ Petition for Extension of Time (in duplicate)☒ Response to Office Action☐ No. of Priority Documents☐ No. of Sheets of Drawings (Fig(s) ☐)☐ IDS ☐ Appendix for Cited Appl(s) ☐ Foreign Search Report☐ PTO-1449 ☐ Cited Documents ☐ Nonpublication Request\$ 525.00 Total Fee Charged to Deposit Account 033975

Other: Return Postcard Receipt

CURRENT DUE DATE: November 5, 2007



UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>05/27/08</u>		2 Serial/Patent # <u>10/617,561</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
	Filing			\$								
	Amendment			\$								
<input checked="" type="checkbox"/>	Extension of Time		11/07/07	\$ 525.00								
	Notice of Appeal/Appeal			\$								
	Petition			\$								
	Issue			\$								
	Cert of Correction/Terminal Disc.			\$								
	Maintenance			\$								
	Assignment			\$								
	Other			\$								
			7 TOTAL AMOUNT OF REFUND		\$ 525.00							
			8 TO BE REFUNDED BY:									
			Treasury Check									
			Credit Deposit A/C #:									
			9 <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 20px; text-align: center;">0</td><td style="width: 20px; text-align: center;">3</td><td style="width: 20px; text-align: center;">--</td><td style="width: 20px; text-align: center;">3</td><td style="width: 20px; text-align: center;">9</td><td style="width: 20px; text-align: center;">7</td><td style="width: 20px; text-align: center;">5</td></tr></table>			0	3	--	3	9	7	5
0	3	--	3	9	7	5						
10 REASON:												
<input checked="" type="checkbox"/>	Overpayment											
	Duplicate Payment											
	No Fee Due (Explanation):											
extension of time fees were unnecessary												
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: <u>Tredelle Jackson</u>		TITLE: <u>Paragleal</u>										
SIGNATURE: <u><i>Tredelle Jackson</i></u>		PHONE: <u>2-2783</u>										
OFFICE: <u>Office of Petition</u>												
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****												
APPROVED: <u><i>[Signature]</i></u>		DATE: <u>6/5/08</u>										

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

**Office of Finance
Refund Branch
Crystal Park One, Room 802B**